In the High Court of Uttaranchal, at Nainital.

Special Appeal No. 17/2006

1- Registrar, Cooperative Societies, Uttaranchal, Dehradun.

2- Additional Registrar, Cooperative Societies, Uttaranchal, Almora Camp,

Dehradun .. Appellants.

Versus

Hari Ballahb Purohit, S/o late Bhawani Datt Purohit, Posted as Cooperative Inspector Group-I, in the office of Assistant Registrar, Cooperative Societies, Dehradun …. Respondent.

Sri U.K. Uniyal, Senior Advocate, learned counsel for the appellants.
Sri Manoj Tiwari, learned counsel for the respondent.

Coram: Hon'ble P.C.Verma, J.
Hon'ble B.C. Kandpal, J.

Dated: 19-04-2006.

By way of this special appeal, the judgment and order dated 18-8-2005, passed by the learned Single Judge of this Court, has been put to challenge.

2- Brief facts of the case are that the respondent Hari Ballabh Purohit filed a petition for issuing a writ in the nature of Mandamus commanding the appellant No. 1, i.e., Registrar, Cooperative Societies, Uttaranchal, Dehradun to consider and promote him as Cooperative Inspector Group –I w.e.f. 16-1-1989, when the persons junior to him were promoted, as well as to consider and promote him as Assistant Registrar, Cooperative Societies, w.e.f. 2.11.1999, when the juniors to him were promoted. The respondent also prayed to direct the appellants to pay all consequential monetary benefits to him.

3- The counter affidavit was filed by the appellants in the aforesaid writ petition and the stand taken in the counter affidavit was that the respondent Hari Ballabh Purohit did not raise any grievance in this regard at the relevant time and has filed the writ petition after a long gap.

4- The learned Single Judge, after having heard the learned counsel for the parties and perusing the entire material on record, was pleased to allow the writ petition vide judgment and order dated 18-8-2005. Learned Single Judge also directed the appellant to consider the

case of Hari Ballabh Purohit for promotion to the post of Cooperative Inspector Group-I and Assistant Registrar, Cooperative Societies, from the date when juniors to him have been promoted on the aforesaid post with all consequential benefits.

4- Feeling aggrieved by the aforesaid impugned judgment and order passed by the learned Single Judge this special appeal has been filed by the Registrar, Cooperative Societies, Uttaranchal, Dehradun.

5- We have heard the learned counsel for the parties and perused the record.

6- The record reveals that almost similarly situated person, like Hari Bilas Upreti was granted notional promotion to the post of Cooperative Inspector Group-I with effect from 16-1-1989 and as Assistant Registrar, with effect from 2.11.1999 vide order dated 24-5-2002. The respondent also made a representation but the appellants did not consider it, hence he filed the writ petition before this court. It has not been denied by the appellants before the learned Single Judge that Harish Chandra Singh Rawat and others were appointed on the post of Cooperative Inspector Group-II in the year 1980 and they were promoted to the post of Cooperative Inspector Group-I and thereafter promoted on the post of Assistant Registrar, Cooperative Societies. It is also not disputed by the appellants before the learned Single Judge that the respondent Hari Ballabh Purohit was promoted to the post of Cooperative Inspector Group-II vide order dated 23-5-1978, hence it is established that juniors to the respondent Hari Ballabh Purohit have been promoted ignoring his claim.

7- For the reasons stated above, we do not find any infirmity in the impugned judgment and order passed by the learned Single Judge. The writ petition has been rightly allowed. The present special appeal lacks merit and is liable to be dismissed.

8- Accordingly the special appeal is dismissed.

(B.C. Kandpal, J.) **P.C. Verma, J.)**

ISB